

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RBH ENERGY, LLC,	§	Case No.: _____
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
THE DALLAS MORNING NEWS, INC.	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

ORIGINAL COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff RBH Energy, LLC (“RBH”), by counsel, alleges as follows for its Original Complaint for Copyright Infringement against Defendant The Dallas Morning News, Inc. (“Defendant”), and requests relief from this Court based on the following:

THE PARTIES

1. Plaintiff RBH is a Texas limited liability company with its principal place of business located at P.O. Box 1843, Colleyville, Texas 76034.

2. Defendant The Dallas Morning News, Inc., is a registered foreign-for profit corporation, incorporated under the laws of the State of Delaware, with its principal place of business located at 400 S. Record Street, Dallas, TX 75202-4806. It can be served through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, TX 75201-3163.

JURISDICTION AND VENUE

3. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*

4. This Court has jurisdiction over Plaintiff’s claims for copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(a).

BACKGROUND

6. RBH realleges paragraphs 1 through 5 as if fully set forth herein.

7. RBH is the owner of U.S. Copyright No. VAu 1-147-706 (“Copyright”) titled Brian Harness Photography Collection 2013 Vol. I. A true and correct copy of the copyright is attached hereto as Exhibit A.

8. The named artist of the Copyright is Brian Harness (“Harness”). *See id.*

9. On October 23, 2015, Harness assigned the Copyright to RBH. A true and correct copy of the assignment is attached hereto as Exhibit B at ¶ 2.

10. Harness, a professional photographer, is the sole member of RBH.

11. A copy of this photograph, which was filed as part of the Copyright, is depicted below and also known as amon-carter-museum2101.jpg:



12. Defendant, without permission from Harness or RBH, misappropriated this photograph and included the copyrighted photograph on, at least, a website owned and operate by the Defendant located at <http://www.guidelive.com/> on, at least, two separate occasions.

13. A true and correct copy of the screenshots of this photo as used by the Defendant on its website at <http://www.guidelive.com/things-to-do/259313/spanning-the-continent...> is attached hereto as Exhibit C and reproduced below as evidence of Defendant's use of RBH's copyrighted photograph:

Spanning the Continent: The Diker Collection of American Art

at Amon Carter Museum of
American Art (/locations/276/am-

carter-

museum-

of-

american-

art-

fort-

worth)

SAT (SATURDAY) AUG 8, 2015

10:30AM-11:30AM

([http://www.guidelive.com/things-](http://www.guidelive.com/things-to-do/259313/spanning-the-continent-the-diker-collection-of-)

to-do/259313/spanning-the-

continent-the-diker-collection-of-



<http://www.guidelive.com/things-to-do/259313/spanning-the-continent-the-diker-collection-of-american-art-amon-carter-museum-of-american-art-fort-worth>

14. The photograph, noted above, remained on Defendant's webpage until sometime after August 1, 2015.

15. A true and correct copy of the screenshots of this photo as used by the Defendant on its website at <http://www.guidelive.com/things-to-do/25700/crafting-from-the-collection>... is attached hereto as Exhibit D and reproduced below as evidence of Defendant's use of RBH's copyrighted photograph:

Crafting from the Collection

at Amon Carter Museum of American Art
(/locations/276/amon-carter-



MUSEUM
THU (THURSDAY) NOV 19, 2015 6:00PM-8:00PM
OF-
(<http://www.guidelive.com/things-to-do/257200/crafting-from-the-collection-amon-carter-museum-of-american-art-fort-worth>)
art-
fort-
worth)
carter-museum-of-american-art-fort-
worth/calendar) **ALL AGES**

<http://www.guidelive.com/things-to-do/257200/crafting-from-the-collection-amon-carter-museum-of-american-art-fort-worth>

16. The photograph, noted above, remained on Defendant's webpage until sometime after August 5, 2015

17. Because Defendants had no permission to use the protected photograph, on either occasion note above or any occasion, in general, Defendant is liable for direct copyright infringement.

COUNT 1 – COPYRIGHT INFRINGEMENT

18. RBH realleges paragraphs 1 through 17 as if set fully herein.

19. RBH alleges Defendants are liable for direct copyright infringement pursuant to 17 U.S.C. 501(a).

20. RBH has been damaged by Defendants' actions.

DEMAND FOR JURY TRIAL

Pursuant to FED. R. CIV. P. 38 and the 7th amendment of the U.S. Constitution, a trial by jury is hereby demanded.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff RBH Energy, LLC demands that:

- a. Defendant The Dallas Morning News, Inc. be enjoined from reproducing, administering, displaying, or publishing RBH's copyrighted works;
- b. Defendant The Dallas Morning News, Inc. be ordered to pay statutory damages pursuant to 17 U.S.C. § 504;
- c. Defendant The Dallas Morning News, Inc. pay RBH's reasonable attorney's fees and costs of this action, pursuant to 17 U.S.C. § 505;
- d. Defendant The Dallas Morning News, Inc. pay pre-judgment and post-judgment interest on any damages awarded; and
- e. The Court award Plaintiff all other relief it deems justified.

Further, Plaintiff RBH Energy, LLC also reserves all of its rights to elect alternative remedies, including election of actual damages, as permitted by law.

Dated: February 15, 2017

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFF
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